IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 25218 of 2007(B)

PETITIONER:

P.P.SIMON, S/O.PERUKUTTY, PURAKKATT HOUSE, PADIVATTOM, EDAPPALLY P.O., COCHIN 25.

BY ADV. SRI.C.P.RAVIKUMAR

RESPONDENTS:

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1. STATE OF KERALA, REP.BY ITS CHIEF SECRETARY.

2. THE DISTRICT COLLECTOR, ERNAKULAM.

3. THE REVENUE DIVISIONAL OFFICER, ERNAKULAM.

4. THE SPECIAL TAHSILDAR, LAND ACQUISITION(GENERAL) ERNAKULAM.

BY G.P.SHRI L.G.SURESH BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE EXTRACT OF THE ELECTRICAL CONTRACTORS LICENCE CLASS A CERTIFICATE DATED 20.11.1995

EXT.P2 TRUE COPY OF THE RENT DEED EXECUTED IN FAVOUR OF ST.MICHAEL'S CHURCH DATED 1.1.2001

EXT.P3 TRUE COPY OF THE RENT DEED AGREEMENT RENEWED DT.1.7.2006

EXT.P4 TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT DATED 7.8.2007

EXT.P5 TRUE COPY OF THE NOTICE ISSUED BY THE 4TH RESPONDENT DATED 7.8.2007

EXT.P6 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER DATED 16.8.2007

/ /TRUE COPY//

K. PADMANABHAN NAIR ,J

W.P.(C) No.25218 of 2007 B

Dated, this the 20th day of August, 2007

JUDGMENT

Heard counsel for the petitioner and the learned Government Pleader.

2. The prayer in this Writ Petition is to quash Exts.P4 and P5. I do not find any reason to quash those notices which were issued directing the petitioner to receive compensation and to vacate the premises. Learned counsel appearing for the petitioner submits that the petitioner is conducting an electrical fabrication workshop in which very heavy machineries are installed. It is submitted that the workshop is functioning for last more than 13 years and the petitioner is undertaking electrical contract works for the Export Inspection Agency through National Building Construction Corporation, M/s.Skyline Builders, etc. It is also submitted it is physically impossible to remove those sophisticated machineries and unless extraordinary care is taken it will cause heavy damages to the machineries. Considering all aspects of the matter I am of the view that the petitioner can be given one month's time from today to vacate the premises without raising any objection.

In the result, Writ Petition is disposed of in the following manner. The

prayer to quash Exts.P4 and P5 is rejected. The petitioner is given one month's time from today to vacate the premises and surrender peaceful vacant possession to the authorities.

K. PADMANABHAN NAIR
JUDGE

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